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12 Attorneys for Defendant
13 FEDERAL DEPOSIT INSURANCE CORPORATION
14 AS RECEIVER OF UNITED COMMERCIAL BANK

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

14 THOMAS S. WU,

15 Plaintiff,

16 vs.

17 FEDERAL DEPOSIT INSURANCE
18 CORPORATION, in its capacity as receiver of
19 United Commercial Bank, and FEDERAL
20 DEPOSIT INSURANCE CORPORATION, in its
corporate capacity,

Defendants.

Case No. CV10-4085 JSW

**STIPULATION AND PROPOSED ORDER
CONTINUING PRETRIAL DEADLINES
BASED ON CONDITIONAL
SETTLEMENT**

STIPULATION

24 This case arises out of the failure of United Commercial Bank ("UCB"). On March 15-16,
25 2011, the above-captioned parties attended mediation with Hon. Daniel Weinstein (Ret.). The
26 mediation included participants and issues from several legal actions, including those involved in this
27 matter. A conditional settlement has been reached, but given the number of participants and the

1 complexity of the issues, a final agreement has not yet been executed. The parties are currently
2 working toward resolving any remaining issues and executing a final agreement.
3

4 WHEREAS the Parties believe that it would promote efficiency and the conservation of the
5 Court's and the Parties' resources to continue pretrial deadlines while the Parties negotiate the terms
6 and conditions of a final agreement;

7 THEREFORE, the Parties, through their respective counsel of record, hereby agree and
8 stipulate that:

9 1. The FDIC's responsive pleading deadline shall be continued from February 1, 2012, to
10 May 2, 2012; and

11 2. The Case Management Conference and all attendant matters – including the filing of
12 the joint Case Management Statement and Rule 26(f) Report, and the serving of the parties' initial
13 disclosures under Rule 26(a) – shall be continued until after May 2, 2012, on a date to be set by the
14 Court.

15 Dated: January 12, 2012

NIXON PEABODY LLP

16 17 By /s/ Andrew Neilson

18 19 20 Andrew Neilson
21 Attorneys for Defendant Federal Deposit
22 Insurance Corporation, as receiver of
23 United Commercial Bank

24 Dated: January 12, 2012

LATHAM & WATKINS LLP

25 26 27 By /s/ Timothy P. Crudo

28 Timothy P. Crudo
Attorneys for Plaintiff Thomas S. Wu

[PROPOSED] ORDER

The Case Management Conference currently scheduled for March 2, 2012, is hereby continued to May 11, 2012. The parties shall meet and confer and file a Joint Case Management Statement and exchange initial disclosures pursuant to FRCP 26(a) on or before May 4, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 30, 2012


Hon. Jeffrey S. White